

## REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, which have greatly  
5 assisted Applicant in responding. A Request for Continued Examination (RCE) was  
filed on September 20, 2004 and Applicants submit this response in connection with the  
RCE. Applicants are unaware of any fees that may be due, but authorize the  
Commissioner to charge any fees that may be due, and credit any overpayments to  
Deposit Account No. 07-1445.

### 3. 35 U.S.C §103

Independent Claims 1, 15, 20 and 34 have been rejected under 35 U.S.C §103(a) as  
being unpatentable over Herz (6,029,195), Basche (6,119,164), Pant et al (6,012,053)  
15 in view of Grasso et al (5,892,909).

Herz has a critical reference date pursuant to 37 C.F.R. 1.131 of December 9, 1996  
from Provisional application No. 60/032,461. Pant et al has a critical reference date and  
a filing date of June 23, 1997. Basche has a critical reference date and filing date of  
20 April 15, 1997.

The Examiner has stated that a previously submitted Affidavit of Declaration was  
ineffective because the evidence submitted was insufficient to establish diligence from a  
date prior to the date of reduction to practice of the Herz reference to either a  
25 constructive reduction to practice or an actual reduction to practice.

The rejection of Independent Claims 1, 15, 20 and 34 under 35 U.S.C. §103 is now  
deemed moot in view of the new declaration by the Inventor, David Hindawi, under 37  
C.F.R. 1.131, that Applicant has attached, swearing behind Herz, Pant et al, and  
30 Basche.

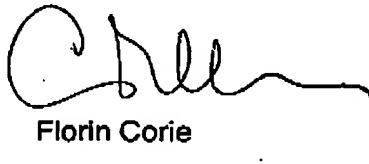
Accordingly, independent Claims 1, 15, 20 and 34 are in allowable condition. Because independent Claims 1, 15, 20 and 34 are in allowable condition, dependent Claims 2-14, 16-19, 21-33, and 35-38 are also in an allowable condition. Therefore, Applicant  
5 respectfully requests withdrawal of the rejections and allowance of the claims.

### CONCLUSION

10 Based on the foregoing, Applicants consider the present invention to be distinguished from the art of record. Accordingly, Applicants earnestly solicit the Examiner's withdrawal of the rejections and objection raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicants, and the present application is therefore allowed to issue as a United States Patent. Applicants are unaware of any  
15 fees that may be due, but authorize the Commissioner to charge any fees that may be due, and credit any overpayments to Deposit Account No. 07-1445.

Respectfully Submitted,

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